

Standing at the Crossroads – What future for Youth Work?

Without conditions attached: Towards making participation rights a reality for all Scotland's children and young people.

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Abstract

The UK government became a signatory to the UNCRC on 19th September 1990. Eighteen years on, it can be argued that the universality of children and young people's human rights, in particular their participation rights, remains, more of an ideology than a global reality.

The following article looks at the current understanding and positioning of children and young people's participation rights and seeks to provide a working definition and define a common approach for those working to make participation rights a reality for all Scotland's children and young people.

In principle

All human rights are universal, indivisible, interdependent and interrelated. They are all of equal value and they apply to everyone. They are self evident universal norms, rooted in the concept of dignity of the human person. As Jack Donnelly rightly asserts;

“human rights are general rights, rights that arise from no special undertaking beyond membership of the human race. To have human rights one does not have to be anything other than a human being. Neither must one do anything other than be born a human being”. Marcuzzi, (2002)

An ethical, rights-based society is one in which each person is guaranteed a decent and dignified life and opportunities for personal development, but is also guaranteed freedom of expression and freedom of association. This means that, as outlined in 1.8 of the World Conference on Human Rights' Vienna Declaration and Programme of Action,

“... the promotion and protection of human rights and fundamental freedoms at the [local], national and international levels should be universal and conducted without conditions attached” (United Nations General Assembly, 1993)

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Understanding and positioning

The UN Committee on the Rights of the Child has sought clarification on what the UK Government plans to do to make participation rights a reality for all children and young people. Additionally, they have raised concerns regarding the impact of Anti Social behaviour orders (ASBOs) (particularly dispersal orders) have on children and young people's right to share public spaces: to enjoy their freedom of assembly rights.

These concerns, and others relating to participation rights, are reflected in the following extract from the Committee's Concluding Observations (2008):

[Article 12] Respect for the views of the child

32. The Committee welcomes the Childcare Act 2006, and associated guidelines, that require local authorities to have regard to the views of young children when planning early years services as well as the requirement on inspectors to consult children when visiting schools and other institutional settings. [...] However the Committee is concerned that there has been little progress to enshrine article 12 in education law and policy.

33. The Committee recommends that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the Day of General Discussion on the right of the child to be heard in 2006:

- a) promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child;
- b) support forums for children's participation, such as the UK Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland;
- c) continue to collaborate with civil society organisations to increase opportunities for children's meaningful participation, including in the media.

[Article 15] Freedom of peaceful assembly

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34. The Committee is concerned at the restriction imposed on the freedom of movement and peaceful assembly of children by the anti-social behaviour orders (ASBOs) as well as by the use of the so-called “mosquito devices” and the introduction of the concept of “dispersed zones”.

35. The Committee recommends that the State party reconsider the ASBOs as well as other measures such as the mosquito devices insofar as they may violate the rights of children to freedom of movement and peaceful assembly, the enjoyment of which is essential for the children’s development and may only subject to very limited restrictions as enshrined in article 15 of the Convention. Committee on the Rights of the Child, (2008)

Similar concerns have been raised by Article 12 in Scotland and others with an interest in participation rights: In ‘I Witness: The UNCRC In Scotland’ (2008) Article 12 in Scotland tell us;

....[E]vidence shows traditional (representative) participatory structures such as youth parliaments, youth fora and pupil councils, remain the preferred Scottish Government method of affording children and young people the opportunity to participate at local and national level. Whilst, without doubt, such structures do play an important role for those young people who choose to participate through this media, some have asserted that they favour dominant individuals or groups and their agendas, represent a form of social control and lack democratic legitimacy.

In *Participation with purpose* Cairns (2006) argues that, from a rights perspective, the most problematic issue concerning representative structures (such as youth parliaments, youth fora and pupil councils) is democratic legitimacy.

At best, it can be assumed that being a member of a representative body may well present opportunities to participate, and be heard, for those who are members of that structure. However, it is unclear how this process can be

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described as a means through which the individual rights of the *represented* are acknowledged or promoted.

This is not to deny that the young people who participate in structures such as youth fora are exercising their *individual* rights as citizens but is to suggest that the claim to collective representation is an empty one. Unlike adult representative structures (which are by no means perfect) the infrastructure does not exist to first of all ensure that everyone who is to be represented is enfranchised and to allow for the represented to regularly express their views on their representatives.

[Article 15] On freedom of assembly: at the UN Committee on the Rights of the Child Pre Sessional Working Group Meeting on 11th June 2008, a group of young people from Article 12 in Scotland (2008) in giving evidence stated;

Between October 2004 and the end of March 2007 dispersal powers were authorised for use on 14 occasions in 11 separate locations in Scotland, resulting in over 800 incidents where children and young people were moved on by the police. Eleven of the 14 authorisations were made specifically to disperse groups of children and young people present in public spaces, a violation of their right to freedom of movement and freedom of assembly. There were 38 arrests for breaches of dispersal orders including 5 arrests of under 16s.

Further, in the *NGO Alternative Report for Scotland (2008)* SACR notes; “....Para. 238 of the Scottish Executive [State Party] Report states that the right to freedom of association and peaceful assembly was enshrined in UK law by the Human Rights Act, and that those rights apply equally to adults and to children. Para. 239 makes the claim that all of the measures in the Anti Social Behaviour etc. (Scotland) Act 2004 Part 3, including dispersal powers, comply with the ECHR.

NGOs disagree, and take the view that the provisions of Part 3 of this Act conflicts with Articles 15 and 31 of the UNCRC. For example as the Scottish Alliance for Children’s Rights.

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(2008) state; ‘ The difficulty is that dispersal orders are indiscriminate, and theoretically could be invoked on the most flimsy of pretexts, however NGOs welcome the fact that to date police forces in Scotland have used these additional powers very sparingly’.

Clearly then, there is general consensus that much more has to be done if we are to ensure that all children and young people enjoy their participation rights. More positively, there is a growing recognition, at all levels of government, of the benefits and potential of children and young people’s participation.

In *A Guide to Getting it right for Every Child* (Scottish Government, 2008a), the Scottish Government outline its and its local government partners’ aims and ambitions for Scotland’s children and young people. Eight areas of well-being are identified of which participation is a key feature.

Further, in *Preventing Offending by Young People: A Framework for Action* (Scottish Government 2008b) the Scottish Government note the role they, and others, in society must play to make participation rights a reality for children and young people.

The public should feel that they have a stake in the future of the children and young people who are part of their communities. They should take pride in their role as key influencers and role models and be confident that they are contributing to positive life chances for those who most need them.... [to achieve this we will].... Promote positive messages about young people and support engagement with communities, including opportunities for intergenerational communication.

In considering children and young people’s participation, the Council of Europe (2008) states;

Participation is about having the opportunity to express views, influence decision making and achieve change. Children’s participation is an informed and willing involvement of all children, including the most marginalised and those of different ages and abilities, in any matter concerning them either directly or indirectly.

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This was articulated in Article 12 of the 1989 Convention on the Rights of the Child. As one of the general principles of the Convention, Article 12 should guide the interpretation of the other articles and be of relevance to all aspects of implementation. On the participation of children and their influence in society, the Council of Europe should,

- a. promote awareness raising on, and support child participation in decision making processes and facilitate the exchange of experience and good practices with regard to:
 1. various forms and methods of achieving child participation and of promoting dialogue between decision-makers at all levels on the one hand, and children and young people on the other,
 2. methods for children's participation in individual decisions that concern them, such as in courts, the social services, schools and health and medical care;
- b. consider the need for a recommendation from the Committee of Ministers on children's participation and influence in society;
- c. develop cooperation between the children's and youth sectors with regard to influence issues in general;
- d. promote children's access to information concerning their rights and human rights education of children.

Children's participation must be strengthened. It is very important for a future Europe characterised by peace and development that children are given a chance at an early age to learn to understand the way democracy works.

(Council of Europe, 2008):

Participation: towards a definition

Participation has become a 'buzz' word in recent times. Yet, despite its common usage no single definition has been widely agreed or accepted. Perhaps this lack of a common definition is reflective of an understanding that participation, and in particular the participation of children and young people, has different meanings for different people and that, whilst participation can lead to collective action for positive change, participation is,

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essentially, an *individual* experience and action and is therefore difficult to define in generic terms.

Nevertheless, if we are to measure then we must attempt to define:

Children and young people have the same rights and entitlements as adults, including civil and political rights. Age or ability is no exception; there is no glass ceiling that deflects those who have not come up through the ranks of established participatory structures or those who do not 'fit' the cultural norms of mainstream society. There are no conditions attached.

Some use the term 'consultation' to describe participation but, given that consultation generally means asking, or being asked, for information or opinion, the effect is an imbalance of power in that the individual seeking the information has control of both the agenda and the process. Whilst consultation can facilitate the individual's *right to influence* matters that affect them it cannot facilitate the individual's *right to control* their own destiny.

If participation is, essentially, an individual experience, then, equally, the above is true of "representative" permanent participatory structures. As Cairns (2006) points out:

At best, it can be assumed that being a member of a representative body may well present opportunities to participate, and be heard, for those who are members of that structure.

However, it is unclear how this process can be described as a means through which the individual rights of the *represented* are acknowledged or promoted.... the infrastructure does not exist to first of all ensure that everyone who is to be represented is enfranchised and to allow for the represented to regularly express their views on their representatives.

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The Freechild Project (2003) conceptualises participation thus:



Figure 1. Measure of young people and social change.

The Freechild spiral is symbolic of the liberatory power of effective participation. At the eye we find oppression: manipulation, tokenism, children and young people as decoration or tools to promote an adult agenda. As the spiral unfolds the level of participation increases to the point that, at the tail, we find liberation: equality, collaboration, shared ownership and responsibility. If we accept Freechild's optima as true then the limitations of what has come to be, generally, accepted as participation are clear. The imbalance of power in consultation processes and the lack of democratic legitimacy of representative models mean that, whilst both have their benefits, neither are fully reflective of the true concept of participation.

Participation facilitates choice, freedom, dignity, respect, cooperation, and the sense of belonging to a wider community. Participation is build on the principle of power sharing. Power is shared, transgenerationally, through inclusion, capacity building and opportunities for individuals to mobilise at all levels of society. Age is no barrier, there are no conditions attached.

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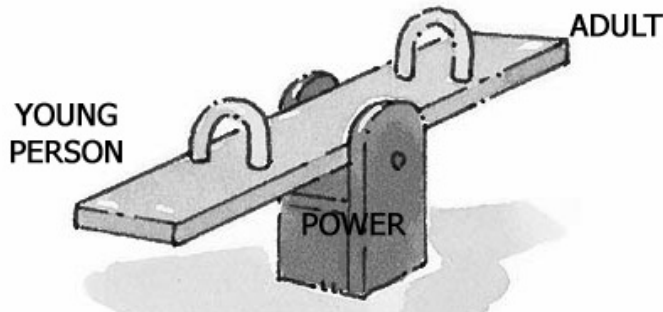


Figure 2. transgenerational power sharing.

We can define (transgenerational) participation as an outcome of three key empowerment processes:

Power with: equilibrium across the gender, race, age, religious, economic and social spectra: equality and respect for the hopes and aspirations of each and every individual.

Power to: individuals have the opportunity to equip themselves with the skills and knowledge necessary to make informed life choices and to find, and assert, their position and role within family, community and society. (Tammi, L., 2008)

Power within: individuals build and mobilise their own capacities, are social actors, rather than passive subjects, and manage and control the activities that affect their lives.

The potential benefits of transgenerational power sharing are many:

Transgenerational power sharing can help mend fractured communities. “When community residents across age groups get to know and care about one another, they learn they have much in common, including a desire to live in a community that is safe, fun, and filled with opportunities to learn, grow and contribute meaningfully to the lives of other residents....When there are open lines of communication, caring, and support between the generations, we are better off as individuals, and better off in our families, communities, and as an overall society.

The Scottish Centre for Intergenerational Practice. (2008)

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Transgenerational power sharing encourages ownership and responsibility. As Robert Brooks' (2003) observes;

...motivation to engage wholeheartedly in [defining and implementing] a task is reinforced when people feel they have had some choice in selecting the task and/or understand its rationale. Children as well as adults are more likely to resist an activity that holds little meaning or relevance for them or they feel was arbitrarily imposed.... The experience of personal control and ownership is nurtured when we have choices and are allowed [*sic*] to make certain decisions.

Transgenerational power sharing helps build resilience in children and young people through increased capacity for personal development and learning and the ability to identify and assert one's position and role at all levels of society.

Transgenerational power sharing facilitates the right of all members of society to participate in decision making processes on a basis reflective of Freechild's optima of participation: equality, collaboration, shared ownership and responsibility.

But what, in actuality, do we mean when applying this concept to children and young people's participation?

Two examples of transgenerational power sharing

Article 12 in Scotland: Peer Education and Skills Training (PEST) Project

PEST works with some of the most marginalised young people in Scotland: Roma, asylum seekers, homeless young people, young people experiencing mental ill health, LGBT youth, children and young people looked after by the state.

Working with partner organisations at community (of interest or geographical) level PEST works to empower at the root. Its capacity building training, which aims to equip young people with the skills and information necessary to participate, on their own terms, at all levels of society, and its support structure of PEST staff and community based adult mentors is reflective of Freechild's optima of participation: equality, collaboration, shared ownership and responsibility.

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PEST's work is underpinned by the principle that children and young people are experts on their own realities and are therefore the best starting point in any problem solving initiative. Consequently, young people with the support of adult mentors are the identifiers, designers, implementers, monitors and evaluators of their personal development and that of their project work.

PEST/The Rock Trust - Underground

The Underground is a healthy living project of the Rock Trust, a charity based in Edinburgh that works with young people who are homeless or have experienced homelessness.

The Underground Peer Volunteers group was set up in the summer of 2007 as an opportunity for those that had been coming to the project for a significant amount of time to take some control of the day-to-day running of the drop-in and some of the programmed activities. The Peer Volunteers had little or no experience of taking part in participatory project work or of involving their peers in decision making processes and most had complex and chaotic lifestyles due to their homelessness; hence skills development training and planning and implementation of the project took place over several months to ensure that everyone was involved as fully as possible. The Peer Volunteers were supported throughout the process by a mentor from the Rock Trust and a worker from the PEST project.

The key outcome of this project was the production of a DVD, outlining the needs and desires of current users, which has since been used to inform the development plan of the Rock Trust – Underground. The Rock Trust staff and board of management have indicated that they will continue to use participatory methods to ensure that young people are empowered to influence the direction and content of services. (See; Article 12 in Scotland, 2008)

UNICEF's Rights Respecting Schools Award

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UNICEF UK's Rights Respecting School Award (RRSA) provides a framework to help schools to use the CRC as the basis for their ethos. In a rights respecting school, children learn about their rights and the responsibilities that are implied. Children learn to associate rights with needs and distinguish between their rights and 'wants'. They learn that if they have rights, they need to respect the rights of others.

The award recognises achievement under the following four aspects of school life:

- Leadership and management for embedding the values of the UNCRC in the life of the school
- Knowledge and understanding of the CRC
- Classroom climate and culture: rights-respecting classrooms
- Pupils actively participate in decision-making throughout the school

Highlights from the University of Sussex's Interim Evaluation Report on RRSA (see; UNICEF, 2008):

- Of those schools that had been involved in the RRSA scheme for at least a year, there was evidence of pupils and staff using a rights- respecting language
- Lunchtime Supervisors and pupils commented on how pupils are now able to manage conflict in the playground through the use of a 'rights and responsibilities' language
- Pupils feel empowered to respect the rights of others locally, nationally and globally
- Pupils actively participate in decision making in the school community

Reflective of Freechild's optima of participation: equality, collaboration, shared ownership and responsibility; the key components for fostering a rights respecting school environment include: high-quality professional development to ensure all staff demonstrate rights respecting behaviour and whole school involvement: children, young people, staff, governors and parents all have a role to play in ensuring that the rights respecting environment is achieved and maintained.

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Conclusion: Towards making participation rights a reality for all Scotland's children and young people

Children and young people have a critical role to play in developing strong, active and empowered communities in which they are able to support themselves, define the problems they face and address them in partnership with others. Participation can be a powerful agent of change not only for children and young people but also for those adults working with and for them. Children and young people's participation is a shared responsibility: governments, professionals, the wider community all have a role to play in building an environment that respects, values and validates the contributions of all children and young people.

Success will be dependent on the development of a framework that facilitates the participation of all children and young people in decision making processes on their own terms and according to their own realities. This means a framework that facilitates informed choice, freedom, dignity, respect, cooperation, and the sense of belonging to a wider community; a framework built on the principle of transgenerational power sharing: power with, power to, power within.

Until there is a universal acceptance that children and young people have the same rights entitlements as adults: that age or ability is no exception; that there is no glass ceiling that deflects those who have not come up through the ranks of established participatory structures or those who do not 'fit' the cultural norms of mainstream society, there will always be conditions attached.

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